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Counterclaim Plaintiff,
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

APPLE INC.,

Defendant and Counterclaim
Plaintiff.

Case No. C-09-01531 RS (PSG)

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING FOR
ELAN'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AS MODIFIED
BY THE COURT

Hon. Richard Seeborg

Date: June 9, 2011

Proposed Date: June 20, 2011

Defendant Apple, Inc. ("Apple") and Plaintiff Elan Microelectronics Corporation ("Elan") and, by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Elan has filed a motion entitled "Elan Microelectronics Corporation's Notice of Motion and Motion for Partial Summary Judgment of Infringement of U.S. Patent 5,825,352," noticing a hearing date of June 9, 2011;

WHEREAS, the parties have agreed to enlarge the date for the hearing on Elan's motion to accommodate the deposition of Elan's expert witness and the schedules of Apple's trial and in-house counsel;

WHEREAS, the parties have agreed, subject to the Court's approval, to have Elan's motion for partial summary judgment heard on June 20, 2011, with Apple's opposition brief due on June 2, 2011 and Elan's reply brief due on June 9, 2011;

WHEREAS, the parties have further agreed that to the extent the Court is unable to accommodate a June 20, 2011 hearing date, an alternative hearing date of July 7, 2011 would be appropriate;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel, that the hearing date for Elan's motion for partial summary judgment be rescheduled to ~~June 20~~ July 14, 2011 at 1:30 p.m. (subject to the Court's availability), with Apple's opposition to Elan's motion due on June 2, 2011 and Elan's reply brief due on June 9, 2011.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: May 19, 2011

/s/ Sean P. DeBruine
Sean P. DeBruine

ALSTON & BIRD LLP
Attorneys For Elan Microelectronics Corporation


DATED: May 19, 2011

/s/ Sonal N. Mehta
Sonal N. Mehta

WEIL, GOTSHAL & MANGES LLP
Attorneys for Apple Inc.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3
4 DATED: 5/25/11


Honorable Richard Seeborg
United States District Court Judge